



### TRIAL OF ANWAR RASLAN

Higher Regional Court – Koblenz, Germany  
Trial Monitoring Report 48  
Hearing Date: October 6, 2021

*CAUTION: Some testimony includes descriptions of torture.*

#### Summaries/Highlights:<sup>1</sup>

##### Day 96 – October 6, 2021

P53, a 36-year-old Syrian and (ex) brother-in-law of P32 told the court about his relation to P32 and her family. However, contrary to what the Defense previously proposed, P53 was not able to provide details about P32's detention or her mental health, as he did not speak about these issues with P32 and was not in frequent contact with her. He briefly told the court about his own arrest in 2012 and how Raslan helped him to be released, since P53's family and Raslan's family used to be neighbors.

The Prosecutors objected to two previous requests by the Defense to hear additional witnesses.

##### Trial Day 96 – October 6, 2021

The proceedings began at 9:34AM with five spectators and two journalists in the audience. The prosecution was represented by Prosecutors Klinge and Polz. Defense Counsel were present as usual. Plaintiff Counsel Dr. Kroker and Bahns were not present.

#### Administrative Matters

Presiding Judge Kerber explained that there were some administrative matters that needed to be addressed before the court would hear another witness. She explained that due to a software problem, the [newly announced trial dates](#) were not sent to all parties. She therefore announced all dates in court and the parties confirmed that they took notice of it. Kerber further said that the Prosecutors submitted the transcript of a witness' questioning, which was also not sent to everyone due to technical issues. She said that since the prosecutors submitted additional evidence on this very day, everything would be printed and handed out to the parties in court. The witness whose interview transcript was just added to the case file, is summonsed to testify in court on October 14. The Judges, however, did not know if the trial day scheduled for October 13 would take place. Kerber said they had to make some phone calls after the session to clarify whether the day will take place or not.

#### Testimony of P53<sup>2</sup>

<sup>1</sup> Throughout this report, [information located in brackets are notes from our trial monitor] and "information placed in quotes are statements made by the witness, judges or counsel." Note that this report does not purport to be a transcript of the trial; it is merely an unofficial summary of the proceedings. The names of witnesses have been redacted.

<sup>2</sup> Note from the Trial Monitor: The court interpreter who sat next to P53 to translate his Arabic statements into German was a new interpreter who had never worked in this trial before. The audience noted several incidents where parts of P53's statement were not translated into German or falsely translated. Whenever the Trial Monitor was able to note these inconsistencies, it is noted throughout this report.



P53, a 36-year-old Syrian currently living in [REDACTED], was informed about his rights and duties as a witness. Judge Kerber told P53 that he was free to take his COVID-19 mask off or leave it on. P53 denied being related to the defendant by blood or marriage.

### Questioning by Judge Kerber

Presiding Judge Kerber said the Court was aware that P53 was apparently detained at Al-Khatib Branch in 2011 or 2012 and possibly in contact with Anwar Raslan. She asked P53 what he could say about these issues. P53 said he first had to clarify that he was not detained at Al-Khatib Branch. Kerber asked where he was detained instead. P53 said he was arrested by a security branch in Deir ez-Zor. Kerber asked if he knew the number of the branch. P53 denied.

Kerber said the Court would not be interested in details of P53's arrest but rather in his contact with Raslan and how P53 was released. P53 explained that he was from [REDACTED] [The interpreter added that this would be a neighborhood in Damascus, however, this place is a suburb of Deir ez-Zor.] P53 went to Damascus by bus and was told to leave the bus at a check point in Deir ez-Zor.

Kerber asked when this happened. P53 said it was in 2012.

Kerber asked about the month. P53 said he remembers that it was during Ramadan but he did not remember the exact date, probably July.

Kerber said the Judges were aware that Ramadan started on July 12, 2012 and asked P53 whether he was arrested at the beginning or end of Ramadan. P53 said it was at the middle or end of Ramadan.

Kerber recalled that P53 had to leave the bus and asked him what happened next. She added that the Court was not so much interested in details of the arrest but rather what Raslan had to do with P53's release and detention. P53 explained that he was on the bus together with his cousin. When they were told to leave the bus, P53's cousin called P53's father to tell him that he should contact Anwar Raslan. P53's father then spoke to Anwar Raslan on the phone and P53 was released from the branch. The head of the branch asked P53 if he was in contact with Raslan and after two or three hours, P53 was released.

Kerber wanted to know how it came that P53's father had such a good relationship with Anwar Raslan. P53 said he himself knew Raslan since 2002 or 2003. Their families were neighbors and living in the same building in Damascus. According to P53, Raslan's wife was a close friend of P53's mother and they would still be friends until this very day. P53 concluded that the ties between the two families were close.

Kerber asked if P53 was arrested by regular police, the military or an intelligence service. P53 said he was arrested by the *Mukhabarat*.

Kerber said the Court would be interested in a second topic as well: P53 would be the brother-in-law of [P32](#) who previously testified in court. P53 affirmed.

Kerber wanted to know since when P53 knew P32 and since when P53's brother would be married to P32. P53 said he knew P32 from when he was in Jordan. He met her once before he went to Germany.

Kerber wanted to know in which year they met. P53 said it was 2014.

However, P53's testimony as written in this report is based on the German translation, which is the authoritative language in this trial.



Kerber asked if P53 spoke with P32 about her detention. P53 denied, and said the two had no direct contact.

Kerber asked if P53 spoke about it with P32's sisters. P53 denied, saying he did not talk to any of the sisters.

Kerber asked if P53 spoke to P32's mother, P33. P53 denied.

#### **Questioning by Judge Wiedner**

Judge Wiedner wanted to know if P53 was told a reason for his arrest or if it was rather arbitrary and he was not provided any information. P53 said he was not told any reason, not even upon his arrest. The head of the check point who looked at the IDs and checked the names spelled P53's name wrongly.

Wiedner concluded that it was a mistake/confusion then. P53 affirmed and said he was questioned for one hour about who he was, what he did for a living, where he was from, and where he wanted to go.

Wiedner asked if he understood correctly that P53's name was misspelled, and his arrest was possibly based on a confusion. P53 explained that the person who read the names [on the ID cards] got his name wrong. P53 said he would not know whether it was a mistake in pronunciation or spelling.

Wiedner said he wanted to come back to P32's family, asking if Anwar Raslan was a topic in discussions within the family and if the family members' experiences with Raslan were discussed. P53 said he would not know. He only met P32 once in Jordan and twice in [REDACTED].

Wiedner asked if the topic [Anwar Raslan] was discussed during these meetings. P53 denied and said they did not talk about it at all.

The Prosecutors had no questions for P53.

#### **Questioning by the Defense Counsels**

Defense Counsel Böcker wanted to know what the family, including P32, P32's husband and P32's sister [sister 2, TR#33] said about P32's sister [sister 1, TR#33] detention: if there was a conversation/meeting, who the meeting was with, and whether someone was beaten. P53 said he would not know much about this. He only met P32, P32's brother and his wife in Turkey, one or two days before he went to Germany. [P53 actually said that he met them before he went to Turkey to leave for Germany.]

Böcker asked if P53 would know nothing at all about this topic, or a bit. P53 said he only knew that she [not clear whether he meant P32 or her sister(s)] was detained at State Security Branch for one or two weeks. That was all he knew.

Böcker wanted to know when P53 heard Raslan's name for the first time. P53 said he knew Raslan since 2003.

Böcker concluded that P53 was familiar with the name and asked him if the name was mentioned within the family when P53 learned about [sister 1's] detention. P53 asked who [sister 1] was.

Böcker wanted to know if P53 did not know [sister 1]. P53 turned to the interpreter and said Böcker would know that he spoke about P32 [before]. After some confusion about the correct pronunciation of [sister 1's] name, P53 said he knew that she lives in [REDACTED] but he never met her and does not know her personally.



Böcker concluded that the misunderstanding was now solved, and asked P53 if he still spoke about [sister 1's] detention with someone, although he never personally met her. P53 denied. He assumed that P32's and [sister 1's] detention was before P53's brother married P32.

Böcker asked if P53 consequently did not know anything about it [[sister 1's] detention]. P53 said his knowledge would be very limited in this regard. He only knew that Raslan told him in Jordan that he helped "her" when she was in detention.

Böcker wanted to know if P53 was only referring to P32 here, not [sister 1]. P53 affirmed that he was talking about P32 in this regard.

Böcker concluded that everything that P53 knew about P32's detention, he knew from Raslan because the detention was before P53's brother and P32 got married. P53 explained that 'Mr. Raslan' was his neighbor in Jordan. They spoke about general things. P53 said it might be that Raslan mentioned him helping P32 and her sisters.

Defense Counsel Fratzky recalled Judge Kerber asking P53 when his brother married P32. Fratzky wanted to know the exact year and month. P53 said it was before he went to Turkey to go to Germany. P32 and his brother met there [in Jordan] in 2014 and had 'some kind of engagement'. Because P32 wanted to leave the country and because P32's brother was there as well, they all had lunch together one or two days before P53 left the country. P53 said this was when he met P32. He said he thinks that the wedding was at the end of 2014, December 2014 or January/February 2015. P53 said it was winter and he was in a refugee accommodation in [REDACTED] at the time.

Fratzky wanted to know how intense P53's contact with his brother would be. P53 said he would be his brother, they have a good relationship.

Fratzky asked P53 to tell the court his brother's name and address. P53 said his brother's name is [REDACTED]. He lives in [REDACTED].

Fratzky asked for the street name and told P53 he could also provide this information to the court after his testimony. P53 said he could not remember the name, but the address was saved on his phone.

Presiding Judge Kerber asked the Defense whether she should order a short break. Fratzky said yes, but P53 could also look up the number after his testimony. Kerber said in this case, P53 should complete his testimony first.

Fratzky thanked Judge Kerber and recalled that P53 said he assumed that his arrest was due to a misunderstanding. Fratzky wanted to know if P53 thinks this confusion was the reason for his arrest or if there was another reason. P53 said he did not do anything; he never committed a crime. However, it would be normal in Syria that people are arrested and even detained for up to two to three years simply because of a confusion of names. P53 said for example, his third brother has been missing since 2014. The family did not hear anything about or from him. He might be dead or alive, but no one knew. P53 concluded he does not know why he was arrested.

Fratzky wanted to know if P53 was interrogated before he was released after two or three hours. P53 said he was interrogated for almost one hour.

Fratzky asked what the topic of this interrogation was, what they wanted to know. P53 said it was about personal things. They wanted to know why P53 had *not* been arrested two weeks earlier when he went from [REDACTED].



Fratzky wanted to know if this meant that P53 was part of the opposition. He asked P53 what happened two weeks earlier. P53 explained that he was accused of smuggling arms between [REDACTED].

Fratzky recalled that P32's mental health was already mentioned in court earlier this day. He asked P53 if he ever heard about this issue from his brother, this year as well. P53 denied.

\*\*\*

[20-minute break]

\*\*\*

### Questioning by the Plaintiff Counsels

Plaintiff Counsel Scharmer recalled that it was said that P53's brother is P32's husband. Scharmer said according to his information, P32 was divorced. He asked P53 if his brother was or is P32's husband. P53 said they would no longer be married, his brother would be P32's ex-husband, the two divorced in 2015 or 2016. Scharmer thanked P53 and added that this information might also be relevant in terms of contacting P53's brother.

Judge Kerber announced a ten-minute break to get the contact information of P53's brother.

\*\*\*

[20-minute break]

\*\*\*

Judge Kerber explained that P53 provided his brother's contact information to the judges and that the court officers would hand out copies of all documents provided by the Prosecutors.

P53 was dismissed as a witness at 10:30AM.

### Administrative Matters

The Prosecutors read out two statements on the Defense's requests to hear additional witnesses [[TR#47, day 95](#)].

[The following is a recreation of the Prosecutors' statements, based on what the Trial Monitor was able to hear in court.]

#### ***The Prosecutors hold that the request to summon [PW2\_95] must be rejected in accordance with §244 (3) s.3 no.2 StPO.***

*The request is a mere repetition of Anwar Raslan's opening statement from May 2020 regarding information about PW2\_95 helping and contacting Raslan and arranging for two FSA members to travel to Syria to get Raslan and his family out of the country. The same is the case with statements that PW2\_95 allegedly rented a flat for Raslan in Amman and the two meeting in Jordan. In addition, the Defense's request states that PW2\_95 is supposed to testify that he learned through conversations with Raslan and others about Raslan's critical attitude towards the Syrian regime.*

*However, details about Raslan's escape and his efforts to help others are irrelevant with regard to the charges in this trial. The same is the case for Raslan's alleged critical attitude.*

*Anwar Raslan is accused of having killed, out of base motives, a considerable number of people and having tortured even more people in his capacity as head of the investigation division from April 29,*



2011 until September 7, 2012 as part of an ongoing widespread and systematic attack against the civil population. He had an office and subordinate employees. The prison was also part of his division. He therefore was the military head of the prison and as such ordered torture. He also knew that people were tortured at the branch, since he dutifully reported to his superiors.

Raslan's flight out of the country is not contradictory to this. The Federal Court of Justice (BGH) further found that intent is not to be excluded in cases where the successful completion [of a crime] was not desired [by the perpetrator].

The summons of PW2\_95 is further not required [to establish the truth] as laid out in § 244 (5) s. 2 StPO.

**The Prosecutors hold that the request to summon [PW1\_95] is to be rejected as well.**

PW1\_95 is supposedly a former Colonel who defected in 2012 and before was the head of the police department in Hanano, Aleppo. The Defense's request states that PW1\_95 turned to Anwar Raslan at the end of 2012 when Division 40 invaded in Sayyidah Zaynab, plundered a safe and severely mistreated and arrested a shop owner. PW1\_95 asked Raslan for help but Raslan declined, saying he had no power over this Division.

This is irrelevant in light of the life sentence that the Accused has to expect for committing crimes against humanity. He is, however, not accused of criminal acts performed by Division 40. It is therefore irrelevant whether he had control over Division 40 or not. This reasoning is also in line with what the Prosecutors stated at the BGH statement on August 12, 2020.

PW1\_95 summons is not necessary pursuant to § 244 (2) StPO.

Judge Kerber announced that the documents from the Prosecutors that were just handed out included copies of [REDACTED] interview with the BAMF as well as his police questioning [REDACTED]. Kerber added that the parties to the case could meet right after this public session to discuss the order of closing statements and further trial schedule.

The proceedings were adjourned at 10:42AM.

The trial will resume on Wednesday, October 13 at 9:30AM.